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Supreme Court, U.S.

FILED

NOV 13 1997

No. 96-1768

CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1997

C. ELVIN FELTNER, JR.,

Petitioner,

v.

COLUMBIA PICTURES TELEVISION, INC.,

Respondent.

On Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

JOINT APPENDIX

JOHN G. ROBERTS, JR.*
DAVID G. LEITCH
JONATHAN S. FRANKLIN
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5810

Counsel for Petitioner

HENRY J. TASHMAN*
GREGORY J. KOPTA
DAVIS WRIGHT TREMAINE LLP
1000 Wilshire Boulevard
Suite 600
Los Angeles, CA 90017
(213) 633-6800

Counsel for Respondent

* Counsel of Record

PETITION FOR CERTIORARI FILED MAY 6, 1997
CERTIORARI GRANTED SEPTEMBER 29, 1997

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Supreme Court of the United States

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C. ELVIN FELTNER, JR.,
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JOINT APPENDIX

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

No. 91-CV-6847

COLUMBIA PICTURES TELEVISION, INC.,
Plaintiff,

v.

KRYPTON BROADCASTING OF BIRMINGHAM, INC., *et al.*,
Defendants.

DOCKET ENTRIES

DATE	NR.	PROCEEDINGS
12/17/91	1	Complt. Issd sms. DEMAND FOR J/T
1/14/92	6	FIRST AMENDED COMPLT. pltf Columbia Pictures Television issd sumns on first A/C
2/10/92	13	Note of motn and motn to dismiss for lack of personal jurisdiction; retnb on 3/2/92, at 10:00 am. defts
2/24/92	20	Opp to motn to dismiss for lack of personal jurisdiction & improper venue. pltf
3/2/92	36	Reply brief to pltf's opp to motn to dismiss for lack of personal jurisdiction. defts
3/9/92	39	Mot defts to dismiss for lack of personal jurisdiction is DENIED. Deft to ans w/in 20 days. MO (Mary Tucker)

DATE	NR.	PROCEEDINGS
3/10/92	40	ORD defts' mots be DENIED. Crt permitted WTWV Inc & Bono Equity to join in these actns. Crt DENIES defts' mot to dismiss.
3/30/92	42	ANSWER TO complt & COUNTER-CLAIMS. defts Krypton Broadcasting of Birmingham Inc; Krypton International Corp, Krypton Broadcasting of Jacksonville, Inc., a Delaware corp., Krypton Broadcasting of Fort Pierce, Inc., a Delaware corp & Krypton Broadcasting Corp, a Delaware corp.
3/30/92	43	ANSWER to complt & COUNTER-CLAIMS. defts C. Elvin Feltner Jr. (Feltner), Daniel S Dayton (Dayton) & Alfred F. Decuir (Decuir).
3/30/92	44	ANSWER to complt. deft WABM Birmingham, Krypton Broadcasting Inc WNFT-TV, Krypton Broadcasting of Jacksonville, Inc., a Florida corp., Krypton Broadcasting of Fort Pierce, Inc., a Florida corp., WTWV, Inc., & WTVX.
3/31/92	45	ANSWER to FIRST A/C. deft Bono Equity Corp.
3/31/92	46	ANSWER to FIRST A/C. deft WTWV Inc.
4/28/92	47	Reply to cntclms of dft Krypton Broadcasting of Birmingham, Inc., etc.
12/1/92	58	Note of mot & mot for summary adjudctn. Retnbl 12-28-92, 10:00 am pltf LODGED stmnt & ord (Fw'd to CRD)

DATE	NR.	PROCEEDINGS
12/1/92	59	Memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	60	Declar of John Darakjy in suppt of mot for summary adjudctn. pltf
12/1/92	61	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf
12/1/92	62	Declar of Constance L Thomas in suppt of mot for summary adjudctn. pltf
12/1/92	63	Declar of Gregory K Boone in suppt of mot for summary adjudctn. pltf
12/1/92	64	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf
12/1/92	65	Note of mot & mot for summary adjudctn, Retnbl 12-28-92, 10:00am. pltf LODGED stmnt & ord (Fw'd to CRD)
12/1/92	66	memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	67	Declar of Constance L Thomas in suppt of mot for summary adjudctn. pltf
12/1/92	68	Declar of Gregory K Boone in suppt of mot for summary adjudctn. pltf
12/1/92	69	Declar of John Darakjy in suppt of mot for summary adjudctn. pltf
12/1/92	70	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf
12/1/92	71	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf

DATE	NR.	PROCEEDINGS
12/1/92	72	Note of mot & mot for summary adjudctn, Retnbl 12-28-92, 10:00am pltf
12/1/92	73	Memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	74	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf
12/1/92	75	Declar of John Darakjy in suppt of mot for summary adjudctn. pltf
12/1/92	76	Declar of Constance L Thomas in suppt of mot for summary adjudctn. pltf
12/1/92	77	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf
12/1/92	78	Declar of Gregory K Boone in suppt of mot for summary adjudctn. pltf
12/1/92	79	Note of mot & mot for summary adjudctn. Retnbl 12-28-92, 10:00am pltf LODGED strtmt & ord (Fw'd to CRD)
12/1/92	80	Memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	81	Declar of John Darakjy in suppt of mot for summary adjudctn. plt
12/1/92	82	Declar of Constance L Thomas in suppt of mot for summary adjudctn. pltf
12/1/92	83	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf
12/1/92	84	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf

DATE	NR.	PROCEEDINGS
12/1/92	85	Note of mot & mot for summary adjudctn, Retnbl 12-28-92, 10:00am.
12/1/92	86	Memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	87	Declar of John Darakjy in support of mot for summary adjudctn. pltf
12/1/92	88	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf
12/1/92	89	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf
12/1/92	90	Note of mot & mot for summary adjudctn, Retnbl 2-28-92, 10:00am. pltf LODGED stmt & ord (Fw'd to CRD)
12/1/92	91	Memo of p&a in suppt of mot for summary adjudctn. pltf
12/1/92	92	Declar of Gregory K Boone in supp of mot for summary adjudctn. pltf
12/1/92	93	Declar of Elise Keen in suppt of mot for summary adjudctn. pltf
12/1/92	94	Declar of Henry J Tashman in suppt of mot for summary adjudctn. pltf
12/1/92	95	Declar of Constance L Thomas in supp of mot for summary adjudctn. pltf
12/11/92	101	Note of lodging depo transcripts of C. Elvin Feltner, Jr. pla Columbia Pictures LODGED DEPO
12/14/92	110	Strmnt of genuine issues of C. Elvin Feltner, Jr., dfts

DATE	NR.	PROCEEDINGS
12/14/92	111	Stmnt of genuine issues of dfts Krypton Broadcasting of Birmingham, Inc., Krypton Broadcasting of Jacksonville, Inc., & Krypton Broadcasting of Fort Pierce, inc., dfts
12/14/92	112	Opp of dfts Krypton Broadcasting of Birmingham, Inc., Krypton Broadcasting of Fort Pierce, Inc. & Krypton Broadcasting of Jacksonville, Inc. to pla's motns for S/J. dfts
12/14/92	113	Opp of dft C.E. Feltner, Jr. to pla's motn for S/A re: liability for cpyright infringement. dfts
12/14/92	114	Obj's to & reqst to strike decl's submitted in supp of pla's motn for S/A against C. Elvin Feltner. dfts
12/14/92	115	Ob's to & reqst to strike decl's submitted in supp of pla's motns for S/A against Krypton dfts. dfts
12/14/92	116	Decl of Mark S. Lee in opp to motns for S/J. dfts
12/14/92	117	Decl of Shari Mulrooney Wollman in supp of opp's of dfts C. Elvin Feltner, Jr., & Krypton Broadcasting of Jacksonville, Krypton Broadcasting of Fort Pierce & Krypton Broadcasting of Birmingham to Pla's motns for S/J. dfts
12/18/92	119	Note of flng of original decl's of Daniel S. Dayton & Alfred F. Decuir in supp of dfts opp's to S/A. dfts

DATE	NR.	PROCEEDINGS
12/15/92	123	Decl of Daniel S. Dayton ins supp of opp's of dfts C. Elvin Feltner, Jr., & Krypton Broadcasting of Jacksonville, Krypton Broadcasting of Fort Pierce & Krypton Broadcasting of Birmingham to pla's motns for S/J. dft's
12/15/92	124	NoTc of doc discrepancies; decl of Alfred F. Decuir etc; fax signature of Alfred F. Decuir; the doc is to be fld & processed.
12/15/92	125	Decl of Alfred F. Decuir in supp of opp's of dfts C. Elvin Feltner, Jr., & Krypton Broadcasting of Jacksonville, Krypton Broadcasting of Fort Pierce & Krypton Broadcasting of Birmingham to pla's motns for S/J. dft's
12/21/92	130	Reply memo in supp of pla's motn for S/A re: liability for copyright infringement against dft C. Elvin Feltner, Jr. pla
8/9/93	177	M.O. Mot dft's to withdraw as cnsl of record; The crt having read & considered all pleadings submitted & having heard stmnt of cnsl, mot dft is granted as to each named dft. cnsl is given 30 days in which to fl subst or seek addtl ti to do so. If subst or req for addtl ti is not fld by the ti period indicated, pleadings may be stricken & default entered. c/r Mary Tucker
9/17/93	186	Pre-Trial conf stmnt re status of docs required by L.R. 9 & procedural status of this case fld in lieu of pre-trial ocnf ord. pla

DATE	NR.	PROCEEDINGS
9/28/93	198	ORD tht pla Columbia Pictures Television, Inc. is entitled to entry of an interlocutory judgment in its favor finding tht dft C. Elvin Feltner, Jr., is liable, under the doctrines of vicarious copyright infringement & contributory copyright infringement, for six hundred sixty four (664) separate infringement of Columbia's copyrighted works Who's The Boss?, Silver Spoons, Hart To Hart, T.J. Hooker on the dts set forth in Columbia's prop stmt of undisputed facts. The amount of damages with respect to the aforesaid infringements shall be determined at trial. Fur ORD tht the clerk of the crt shall srv, by U.S. mail copies of this ord on cnsl for the parties in this matter.
9/27/93	199	M.O. Motn pla for S/A re liability for copyright infringement against dft C. Elvin Fletcher, Jr. The court having read & considered all pleadings submitted & having heard stmt of cnsl, mot pla is granted for reasons staid by the crt & reflected on the court reporter's notes. c/r Madga Flores
11/1/93	204	Decl of Tashman in suppt of mtn in limine to excl evidence. pla
11/1/93	205	MEmo of P&A in suppt of/mtn in limine. pla
11/1/93	206	Ntc ofmtn & mtn in limine to exclude evidence rtnbl 11/22/93 at 10:00. pla LODGED PROP ORD (FWD TO CRD)

DATE	NR.	PROCEEDINGS
11/1/93	207	Decl of Henry J Tashman in suppt of election of statutory damages & mtn in limine. pla
11/1/93	208	Memo of P&A in suppt of election of statutory damages. pla
11/1/93	209	Ntc of election & of mtn for election of statutory damages & mtn in limine to confirm bench trial. pla LODGED PROP ORD (FWD TO CRD)
11/15/93	213	Receipt for reporter's transcript; dt of hmg 9/27/93, dt fld 11/15/93, repo Magda Flores
11/29/93	221	Memo of P&A in suppt of opp to mtn in limine. dfts
11/29/93	222	Opp to mtn in limine. dfts
11/29/93	223	Memo of P&A in suppt of opp to mtn in limine. dfts
11/29/93	224	Opp to mtn in limine & to confirm bench trial. dfts LODGED PROP ORD (FWD TO CRD)
11/30/93	225	Notc of non-opp to pla's mot in limine to exclude evidence of dft Feltner's reliance on advice or consultation with cnsl re broadcast of pla's copyrighted programs. dft's Krypton Int.
12/6/93	226	Reply to dft's opp to pla's mot to confirm bench trial. pla
12/10/93	227	NOTICE OF MOTION AND MOTION by plaintiff Columbia Pictures, counter-

DATE	NR.	PROCEEDINGS
		defendant Columbia Pictures for reconsideration, for partial summary judgment; motion hearing set for 10:00 1/3/94 (bp) [Entry date 01/27/94]
12/13/93	228	M.O. Court having read & considered all pleadings submitted & having heard stmt of cnsl, mot pla in limine to exclude consideration of dft's counterclaims & mot to confirm bench trial is granted. Pla's cnsl is given permission to fl mot to dismiss or mot for partial S/J. c/r Mary Tucker
12/20/93	229	NOTICE OF MOTION AND MOTION by plaintiff Columbia Pictures, counter-defendant Columbia Pictures for judgment on the pleadings, to dismiss for lack of subject matter jurisdictions, for summary adjudication dismissing cntr-clms; motion hearing set for 10:00 1/10/94 (bp) [Entry date 01/27/94]
1/4/94	241	RESPONSE to dft's ex parte appl to continue hrng on pla's mot for jgm on the pleadings; or, alt, dismissal for lack of subject matter jurisdiction; or, alt; S/A dismissing dft Krypton Intl's cntr-clms; decl's of Henry J. Tashman & Adam M. Raichel by plaintiff Columbia Pictures, counter-defendant Columbia Pictures (bp) [Entry date 01/27/94]
1/7/94	245	Statement of genuine issues of material fact in OPPOSITION by defendant C. Elvin Feltner Jr, defendant Daniel S Dayton, defendant Alfred F Decuir motion for judgment on the pleadings [229-1], motion

DATE	NR.	PROCEEDINGS
		to dismiss for lack of subject matter jurisdictions [229-2], motion for summary adjudication dismissing cntr-clms [229-3], motion for reconsideration [227-1], motion for partial summary judgment [227-2] (bp) [Entry date 01/27/94]
1/7/94	246	COUNTERSTATEMENT of material facts by defendant C Elvin Feltner Jr, defendant Daniel S Dayton, defendant Alfred F Decuir in support of [245-1] (bp) [Entry date 01/27/94]
1/13/94	247	REPLY to dft's opp to pla's mot by plaintiff Columbia Pictures, counter-defendant Columbia Pictures re [245-1] (bp) [Entry date 01/27/94]
1/13/94	248	DECLARATION of Henry J. Tashman in supp of pla's reply to dft's opp to pla's mot by plaintiff Columbia Pictures, counter-defendant Columbia Pictures re [247-1] (bp) [Entry date 01/27/94]
1/14/94	249	ORDER tht the dft's opp to pla's mot for jgm on the pleadings; or alt; dismissal for lack of subject matter jurisdiction; or alt, S/A; dismissing dft Krypton Int's cntr-clms be fld & considered in this matter & tht they be relieved of their dflt in the failure to timely fl their opp to pla's said mot by Judge Edward Rafeedie granting application [244-1] (bp) [Entry date 01/27/94]
1/14/94	250	NOTICE OF MOTION AND MOTION by defendant C Elvin Feltner Jr, defendant

DATE	NR.	PROCEEDINGS
		Daniel S Dayton, defendant Alfred F Decuir for leave to fl out of ti dft's mot to vacate ord granting partial sumjgm dtd 9/28/94; motion hearing set for 10:00 2/7/94 (bp) [Entry date 01/27/94]
1/14/94	251	OPPOSITION to pla's motions for by defendant C Elvin Feltner Jr, defendant Daniel S Dayton, defendant Alfred F Decuir motion for judgment on the pleadings [229-1], motion to dismiss for lack of subject matter jurisdictions [229-2], motion for summary adjudication dismissing cntr-clms [229-3], motion for reconsideration [227-1], motion for partial summary judgment [227-2] (bp) [Entry date 01/27/94]
1/14/94	254	MINUTES: The crt having read & considered all pleadings submitted & having heard stmt of cnsl, mot pla for judgment on the pleadings; or in the alt dismissal for lack of subject matter jurisdiction for S/A, It is hereby ord the cntclms of Krypton Intl are dismissed for reasons stated by the crt & reflected on the crt reporter's note. that the motion for judgment on the pleadings [229-1] is submitted, that the motion to dismiss for lack of subject matter jurisdictions [229-2] is submitted, granting motion for summary adjudication dismissing cntr-clms [229-3] by Judge Edward Rafeedie CR: Mary Tucker (cc: all counsel) (bp) [Entry date 02/08/94]
1/24/94	252	OPPOSITION to dft's mot for leave by plaintiff Columbia Pictures, counter-

DATE	NR.	PROCEEDINGS
		defendant Columbia Pictures motion for leave to fl out of ti dft's mot to vacate ord granting partial sumjgm dtd 9/28/94 [250-1] (bp) [Entry date 01/27/94]
1/27/94	255	SECOND MEMORANDUM of contentions fo fact & law by plaintiff Columbia Pictures (bp) [Entry date 02/08/94]
1/31/94	253	REPLY to pla's opp to df's mot for leave to fl dft's mot to vacate ord granting sumjgm dtd 9/28/93, & to dismiss, or in the alt, for sumjgm. by defendant Krypton Intl Corp, defendant C Elvin Feltner Jr, defendant Daniel S Dayton, defendant Alfred F Decuir re [252-1] (bp) [Entry date 02/08/94]
3/11/94	276	TRIAL BRIEF FILED by plaintiff Columbia Pictures (bp) [Entry date 03/15/94]
3/15/94	281	MINUTES: ;1st day trial held Opening stmt's made by each side. Witnesses called, sworn & testified. Exhibits identified. exhibits admitted. Case continued to 3/16/94, at 9:00 am for further trial by Judge Edward Rafeedie C/R Mary Tucker Cnsl stip to the dismissal of Krypton Broadcasting with prejudice. Trial to proceed against dft Elvin Feltner. The remaining dft's are in bankruptcy proceedings. (bp) [Entry date 03/18/94]
3/16/94	283	MINUTES: 2nd day crt trial. Witnesses called, sworn & testified. Exhibits admitted. Pla rests. Dft rests. Closing

DATE	NR.	PROCEEDINGS
		arguments made by each side. Filed witness & exhibit list filed stipulation of cnsl re exhibits. Matter stands submitted. Pla's cnsl shall submit within five days closing argument brief re issues stated by crt to be addressed in the pleading. cnsl for the dft shall respond five days thereafter. by Judge Edward Rafeedie CR: Mary Tucker (bp) [Entry date 03/18/94]
3/23/94	288	REMARK; Written closing argument submitted by Columbia Pictures Television, Inc. (bp) [Entry date 03/28/94]
3/30/94	289	POST-TRIAL MEMORANDUM by defendant C Elvin Feltner Jr (bp) [Entry date 04/04/94]
4/4/94	293	JUDGMENT AND ORDER: by Judge Edward Rafeedie against defendant C Elvin Feltner Jr. terminating case Crt therefore award pla \$20,000 for each work infringed for a total amount of \$8,800.00 and atty fees & cost (ENT 4-6-94) Mld cpys & Ntc MD JS 6 (cc: all counsel) (sb) [Entry date 04/07/94]
5/19/94	318	JUDGMENT AND ORDER: by Judge Edward Rafeedie Tht pla Columbia Pictures Television recover of the defendant C Elvin Feltner Jr. terminating case In the amount of \$8,800,000, Interest at : 5.02 percent as provided by law, & its costs of action in the amount of \$30,646.47 & attorneys fees in the amount of \$722,621.00, plus interest on those two amounts frm the dt of this jgm at the

DATE	NR.	PROCEEDINGS
		aforesaid rate. (ENT 5/27/94) MD JS-6 mld cpys counsel) (bp) [Entry date 05/27/94]
5/31/94	321	NOTICE OF APPEAL by defendant to 9th C/A from Dist. Court jgm & ord ent 4/6/94. (cc: Richard Chaifetz; William H. Shibley; Davis, Wright & Tremaine) Fee: Paid. (fvap) [Entry date 06/01/94]
6/24/94	324	NOTICE OF APPEAL by defendant, C. Elvin Feltner, Jr., to 9th C/A from Dist. Court jgm ent 5/27/94. (cc: Richard I. Chaifetz; William H. Shibley; Davis, Wright & Tremaine) Fee: Paid. (pjap)
3/4/97	--	LODGED cc 9th Cir ord: Apps Nos. 94-55816 and 94-55894 hereby are affirmed, vacated and remanded (FWD TO CRD) (pjap) [Entry date 03/11/97]
4/3/97	377	CERTIFIED COPY of Appellate Court Order: affirming the decision of the District Court [321-1] except award of atty fees to Columbia; USCA Vacates fee award and Remand the matter on limited basis so USDC may provide reasoned explanation of amt of fees award; USCA retains juris over appeal during pendency of limited remand and USDC shl fwd copy of ord award fees w/i 60 days of iss of remand (ENT 4/17/97) mld cpys ptys (lc) [Entry date 04/17/97]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 94-55816 & 94-56323

COLUMBIA PICTURES TELEVISION,
Plaintiff-Appellee,
v.

KRYPTON BROADCASTING OF BIRMINGHAM, INC., *et al.,*
Defendants,

and

C. ELVIN FELTNER, JR.,
Defendant-Appellant.

DOCKET ENTRIES

DATE	PROCEEDINGS
9/15/94	Received Aplt's brief in 15 copies 35 pages, 5 Exc. Rec.; (Informal: n) deficient (mtn to consolidate-confatt) Served on 9/14/94 [94-55816, 94-55894] (gva) [94-55816 94-55894]
11/4/94	Received orig. 15 copies Columbia Pictures TV in 94-55816, Columbia Pictures TV in 94-55894's brief of 35 pages; and 5 suppl exc of record served on 10/31/94 deficient: (aplt's brief not yet filed, and mot to cons has not yet been ruled on) [94-55816, 94-55894] (tsp) [94-55816 94-55894]

DATE	PROCEEDINGS
11/30/94	Received original and 15 copies Aplt's reply brief (Informal: n) 16 pages; served on 11/29/94 deficient: (Aple's brief not filed; mtn to cons. pending in addition is oversized & late). [94-55816, 94-55894] (gva) [94-55816 94-55894]
1/27/95	Filed original and 15 copies Aplt's opening brief (Informal: n) 35 pages and 5 Exc. Rec.; served on 9/14/94 (per 1/27/95 order) [94-55816, 94-55894] (gva) [94-55816 94-55894]
1/27/95	Filed original and 15 copies Aple's brief, 35 pages, 5 Supplemental Exc. Rec.; served on 10/31/94 minor defcy: (Statement of Related Cases is required) Notified csl. Minor brief deficiency response due 2/10/95 (per 1/27/95 order) (gva) [94-55816 94-55894]
1/27/95	Filed original and 15 copies Aplt's reply brief, (Informal: n) 16 pages; served on 11/29/94 (per 1/27/94 order) [94-55816, 94-55894] (gva) [94-55816 94-55894]
3/6/95	FILED AS OF 10/6/94, CERTIFIED TRANSCRIPTS OF RECORD ON APPEAL IN 2 VOLS. (TOTAL) 2 RTS (ORIG) [94-55894, 94-55816] [94-55894, 94-55816] (rc) [94-55816 94-55894]
11/15/95	ARGUED AND SUBMITTED TO Jerome FARRIS, Melvin BRUNETTI, Alex KOZINSKI [94-55816, 94-55894] (rmw) [94-55816 94-55894]
2/6/97	FILED OPINION: AFFIRMED IN PART, REVERSED IN PART, AND REMANDED

DATE	PROCEEDINGS
	(Terminated on the Merits after Oral Hearing; Affirmed (in part) and Reversed (in part); Written, Signed, Published. Jerome FARRIS; Melvin BRUNETTI, author; Alex KOZINSKI.) FILED AND ENTERED JUDGMENT. [94-55816, 94-55894] (mhf) [94-55816 94-55894]
5/12/97	Received notice from Supreme Court: petition for certiorari Supreme Court No. 96-1768 filed on 5/6/97. [94-55816, 94-55894] (mhf) [94-55816 94-55894]
10/6/97	Filed Supreme Court order (SC Date: 9/29/97) The pet for a writ of cert is GRANTED. In addition to the questions presented by the pet, the ptys are requested to brf & argue the following question: "Whether 17 USC Section 504(c) permits or requires a jury trial in actions for statutory damages for copyright infringement." The brf of pet is to be filed w/the clk & served upon opposing csl on or bef 3 p.m., Thursday, 11/13/97. The brf of respondent is to be filed w/the clk & served upon opposing csl on or bef 3 p.m. Monday, 12/15/97. A rpy brf, if any is to be filed w/the clk & served upon opposing csl on or bef 3 p.m., Monday, 1/5/98. Rule 29.2 does not apply. (refer to PANEL) [94-55816, 94-55894] (mhf) [94-55816 94-55894]

[September 29, 1997]

IN THE
Supreme Court of the United States
 OCTOBER TERM, 1997

No. 96-1768

C. ELVIN FELTNER, JR.,

Petitioner,

v.

COLUMBIA PICTURES TELEVISION, INC.,

Respondent.

ORDER

The petition for a writ of certiorari is granted. In addition to the questions presented by the petition, the parties are requested to brief and argue the following question: "Whether 17 U.S.C. Section 504(c) permits or requires a jury trial in actions for statutory damages for copyright infringement." The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, November 13, 1997. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 15, 1997. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, January 5, 1998. Rule 29.2 does not apply.